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13 *X Corp.*

14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**

16 X CORP., a Nevada corporation,

17 Plaintiff,

18 vs.

19 BRIGHT DATA LTD., an Israeli
20 corporation,

21 Defendant.

Case No. 3:23-cv-03698-WHA

22 **NOTICE RE INTENT TO FILE**
23 **AMENDED COMPLAINT**

24 Date: November 30, 2023
25 Time: 8:00 a.m.
26 Ctrm: 12

In response to this Court's Order re Opposition Brief (Dkt. 34) and pursuant to Federal Rule of Civil Procedure Rule 15(a)(1)(B), Plaintiff X Corp. files this notice out of an abundance of caution to notify the Court and Defendant that X Corp. will file an Amended Complaint in this action on or before November 15, 2023. A plaintiff may amend its pleading once as a matter of course within 21 days of service of a motion under Rule 12(b). Fed. R. Civ. P. 15(a); *Fitzgerald v. GEM Funding, LLC*, No. 5:21-CV-08641-EJD, 2022 WL 18539354, at *1 (N.D. Cal. Jan. 28, 2022). An amended pleading supersedes an original pleading. *Hal Roach Studios, Inc. v. Richard Feiner and Co., Inc.*, 896 F.3d 1542, 1546 (9th Cir. 1989). Therefore, as Defendant's Rule 12(b)(6) motion was filed and served on October 25, 2023 (Dkt. 22), X Corp. will file an amended complaint on or before November 15, 2023.

Accordingly, upon X Corp.'s filing of its First Amended Complaint, X Corp. respectfully requests that the Court deny Defendant's Motion to Dismiss (Dkt. 22) as moot. *See Defs. of Wildlife v. U.S. Fish & Wildlife Serv.*, No. 21-CV-00344-JSW, 2021 WL 4551912, at *1 (N.D. Cal. June 24, 2021) ("Because an amended complaint supersedes the original, after an amended complaint is filed, a motion to dismiss targeting the original complaint becomes moot.")

Dated: November 13, 2023

Respectfully submitted,

HAYNES & BOONE LLP

By: /s/ Jason T. Lao
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